

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

703-0051

STIPULATED AGREEMENT No. 1039

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Rail way Company, hereinafter referred to as the "Company", Coldbrook Township Road District, hereinafter referred to as the "Road District", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as TR-115-A (200th Avenue) located Near Galesburg, Warren County Illinois, designated as crossing DOT 004 683G, milepost 182.22-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) The Company should install new automatic flashing light signals and gates, controlled by constant warning time circuitry;
- b) The Road District should improve the east highway approach so that it conforms to the requirements of 92 IL. Adm. Code 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The County on behalf of the Road District has prepared a preliminary estimate of cost to perform the approach work which is attached as Exhibit C, to accomplish the proposed improvements which it may be required to perform; The County shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 5 The Company and Road District shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 6 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to perform the work described in Section 2 (a) is estimated at \$206,501. The Grade Crossing Protection Fund (Fund), should pay 95% of the actual project cost, not to exceed \$196,176, with the Company paying all remaining installation costs as well as all future operating and maintenance costs thereof.
- b) The cost to perform the work described in Section 2 (b) is estimated at \$2,400. The Road District should pay 100% of the actual project improvement cost, as well as all future maintenance costs thereof.

Section 7 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 8 Special Provisions: The Company and Road District shall each at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company and Road District shall each at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company/Road District employee responsible for management of the project.

Since the crossing approach reconstruction improvements at the subject crossing will be performed by the Road District or their respective contractor crew, flagging and contractor liability insurance will be required for said work.

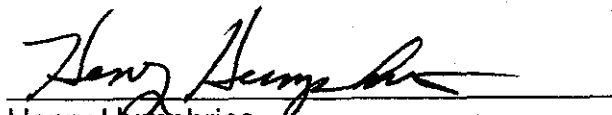
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **16th** day of **May**, 2003.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1039** concerning improvements at the TR-115-A (200th Avenue) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Galesburg, Warren County, Illinois, designated as crossing AAR/DOT # 004 683G, Milepost 182.22-M.

Executed by the Company this 5TH day of May 2003.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

By: Cheryl Larkin

Attest:

William Calogno

Illinois Commerce Commission Stipulated Agreement No. 1039 concerning improvements at the TR-115-A (200th Avenue) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Galesburg, Warren County, Illinois, designated as crossing AAR/DOT # 004 683G, Milepost 182.22-M.

Executed by the Department this 22nd day of May 2003.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

Vito A. Moden
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1039 concerning improvements at the TR-115-A (200th Avenue) rail/highway grade crossing of The Burlington Northern and Santa Fe Railway Company's tracks, near Galesburg, Warren County, Illinois, designated as crossing AAR/DOT # 004 683G, Milepost 182.22-M.

Executed by the rd Dist this 3rd day of June 2003.
(Twp./Rd. District)

COLDBROOK TOWNSHIP ROAD
DISTRICT

By: RJS

Attest:

Kevin John Coldbrook Clerk
Richard Sawyer Road Commissioner

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 182.22-M Inventory # 004 683G
City (N) Galesburg Street TR-115-A County Warren
Jurisdiction Twp. Urban Rural X Commercial Residential
Street Surface Gravel Width 16' Condition Fair
Angle 35° Tracks Tangent Yes Degree of Curve -- Superelevation --
Depth of Cut Height of Fill

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair</u>
<u>14'-2"</u>	<u>Level</u>				
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair</u>
<u> </u>	<u> </u>				
<u> </u>	<u> </u>				
<u> </u>	<u> </u>				

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 75 Speed unposted Statewide Yes

School buses Poss. Hazardous Materials Poss. Other

Rail Traffic: Ft. 70 @ 70 mph Pass. -- @ -- mph Switch ----

Simultaneous Movements Yes Daylight and Dark Yes

Present Warning Devices Crossbucks

Advance Warning Signs Yes Pavement Marking No

Visibility Study

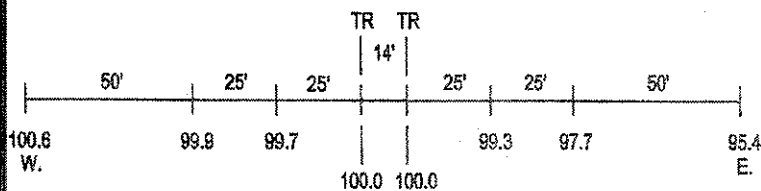
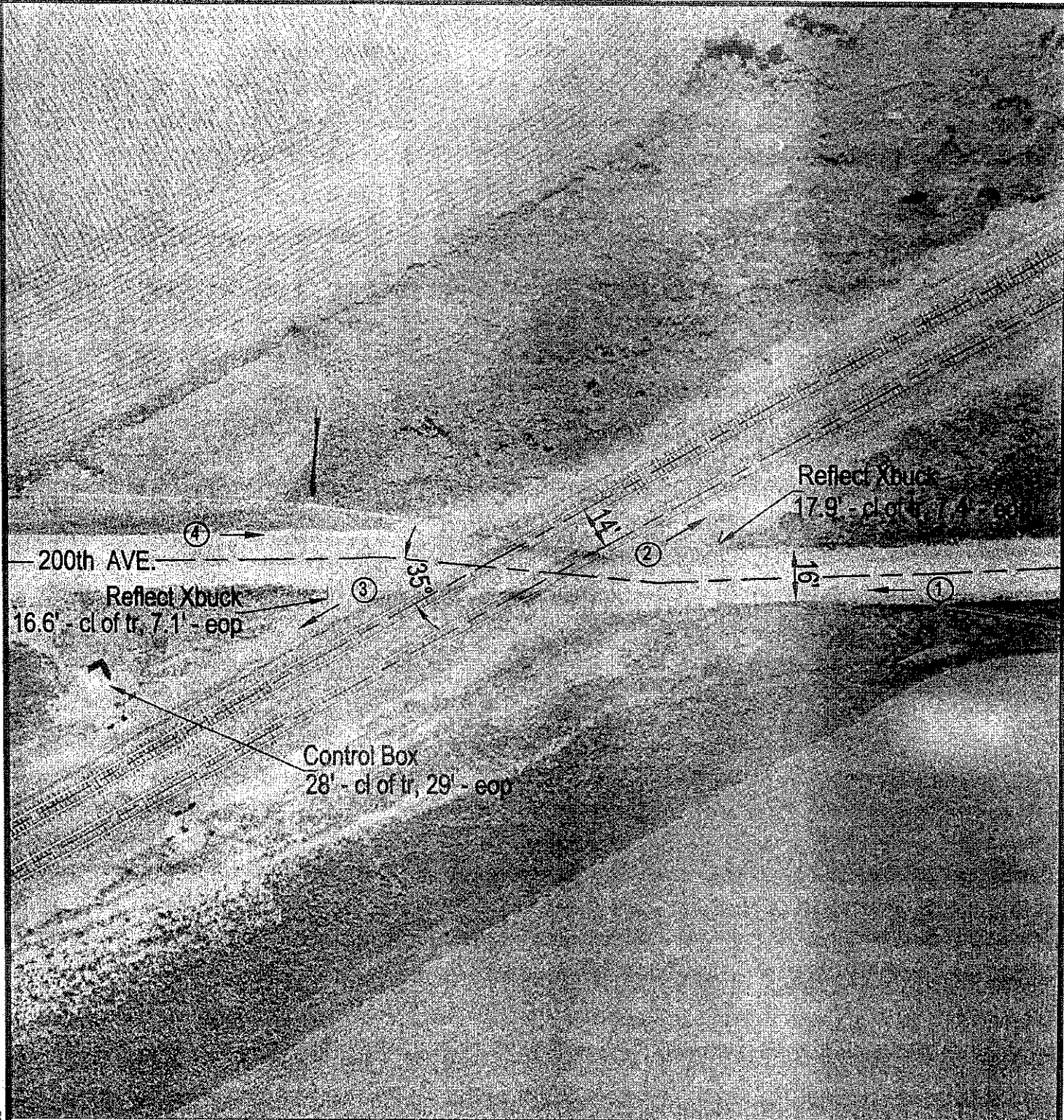
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

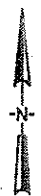
East	_____	_____ %	_____	_____ %	_____	_____ %
West	_____	_____ %	_____	_____ %	_____	_____ %

Comments: The GCPF is paying the Road District share of the share of the automatic warning device installation, since the Road District did not submit an application for the project.

The project was submitted by the BNSF. Also the Road District is paying 100% of the cost for the highway approach improvements.



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 004683G
 Location: Warren Co., City of Galesburg (N)
 Lat/Long: 40°55'06" / 90°27'06"
 Railroad: BNSF
 Street: 200th Ave.
 Railroad Milepost: 182.22
 Crossing Protection: Signs

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION	: CP 1844	LINE SEGMENT	: 7000	AFE NUMBER	:
PLANITEM NUMBER	: PSI004683G	MILEPOST	: 0182.22	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CFAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: CHILlicothe	BUDGET YEAR	: 2003
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 100.00	TAX STATE	: IL COUNTY: WARREN	REPORTING OFFICE	: 456
REQUESTER ID	: A326 - JOHN M BANTER	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381010	DEPT CODE	: MOWGH
DOT NUMBER	:			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING WITH FLASHERS AND GATES AT 200TH AVE IN GALESBURG, IL. CHICAGO
DIV., CHILlicothe SUBDIV., L/S-7000, MP 182.22, DOT 004683G
INSTALL CABLE TO ADJACENT CROSSING FOR AUX START

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	0	0	0	0	64,573	64,573
MATERIAL COSTS	0	0	0	0	105,971	105,971
OTHER COSTS	0	0	0	0	35,957	35,957
TOTALS	0	0	0	0	206,501	206,501

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004683G - 1--2S
COSTING DATE : 04/22/2003

PRINTED ON : 04/22/2003
ESTIMATED BY : FACKLAM
PRINTED BY : FACKLAM

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR - CAP	1144.00	0.0 MH	22,789			
* LABOR SUBTOTAL							22,789	0	0	0
1120	319	400	9911	AX, CABLE, 12C #14, UG	3500.0	FT N	5,495			
1120	319	400	9911	AX, MODULE	2.0	FT N	2,340			
1120	319	400	9911	AX, RELAY, W/ BASE	2.0	FT N	950			
1120	319	400	9911	BATTERY	1.0	LS N	7,680			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,080			
1120	319	400	9911	BUNGALOW, 6 X 6	1.0	EA N	5,450			
1120	319	400	9911	CABLE	1.0	LS N	2,647			
1120	319	400	9911	CHARGERS	1.0	LS N	899			
1120	319	400	9911	CONDUIT, PVC 4", SCH 80	60.0	FT N	234			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	4,530			
1120	319	400	9911	FOUNDATION	2.0	EA N	870			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,514			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,062			
1120	319	400	9911	GUARD RAIL, 1/2 OVAL	2.0	EA N	912			
1120	319	400	9911	HXP3R2 BI SYSTEM	1.0	EA N	18,620			
1120	319	400	9911	HXP3R2 UNI SYSTEM	1.0	EA N	14,705			
1120	319	400	9911	LAMP RESISTOR	1.0	EA N	735			
1120	319	400	9911	LED LIGHT ADJUSTMENT	8.0	EA N	2,120			
1120	319	400	9911	LED LIGHT GATE KIT	2.0	EA N	662			
1120	319	400	9911	LIGHT OUT DETECTOR	1.0	EA N	659			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	1,500			
1120	319	400	9911	RECORDER	1.0	EA N	2,145			
1120	319	400	9911	RTU-6 CELLULAR MONITOR	1.0	EA N	2,121			
1120	319	400	9911	SHUNT, NBS	4.0	EA N	1,196			
1120	319	400	9911	SIMULATED TRACK	4.0	EA N	300			
1120	319	400	9911	TRACK FILTER, 156HZ	2.0	EA N	492			
* MATERIAL SUBTOTAL							96,918	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,500			
1120	790	400	9911	FILL DIRT	10.0	CY N	250			
1120	434	400	9911	MACHINE RENTAL	1.0	EA N	4,250			
1120	790	400	9911	SURFACE ROCK	10.0	CY N	250			
* OTHER SUBTOTAL							11,250	0	0	0
* ADDITIVES							13,732			
PAYROLL ASSOCIATED COSTS							13,732			
EQUIPMENT EXPENSES							4,382			
DA LABOR OVERHEADS							13,053			
INSURANCE EXPENSES							3,418			
USE TAX							6,194			
OFFLINE TRANSPORTATION							1,208			
* GANG TOTAL							172,944	0	0	0
8		400	9911	SIGNAL SHOP LABOR - CAP	80.00	0.0 MH	1,652			
* LABOR SUBTOTAL							1,652	0	0	0
* ADDITIVES							995			
PAYROLL ASSOCIATED COSTS							995			
EQUIPMENT EXPENSES							317			
DA LABOR OVERHEADS							946			
INSURANCE EXPENSES							247			
* GANG TOTAL							4,157	0	0	0
8		411		ELECTRICAL LABOR F/POWER TRANS SYS	54.00	0.0 MH	1,209			
* LABOR SUBTOTAL							1,209	0	0	0
1120	319	400	9911	MATERIAL FOR ELECTRICAL	1.0	EA	1,500			
* MATERIAL SUBTOTAL							1,500	0	0	0
1120	410	400	9911	AC POWER SERVICE	1.0	EA	5,000			
* OTHER SUBTOTAL							5,000	0	0	0
* ADDITIVES							728			
PAYROLL ASSOCIATED COSTS							728			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
				EQUIPMENT EXPENSES			232			
				DA LABOR OVERHEADS			692			
				INSURANCE EXPENSES			181			
				MATERIAL HANDLING			37			
				USE TAX			96			
				OFFLINE TRANSPORTATION			18			

* GANG TOTAL				ELECGANG-1M - ELECTRICAL GANG, 1 MAN			9,693	0	0	0

PROJECT SUBTOTAL							186,794	0	0	0
CONTINGENCIES							18,679	0	0	0
BILL PREPARATION FEE							1,028	0	0	0

PROJECT GROSS COST							206,501	0	0	0
LESS COST PAID BY OTHERS							206,501	0	0	0

PROJECT NET COST							0	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- CP 1844 DETAILS OF ESTIMATE PLAN ITEM: PSI004683G VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING WITH FLASHERS AND GATES AT 200TH AVE IN GALESBURG, IL. CHICAGO
DIV., CHILLICOTHE SUBDIV., L/S-7000, MP 182.22, DOT 004683G
INSTALL CABLE TO ADJACENT CROSSING FOR AUX START

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CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,209	
SIGNAL FIELD LABOR - CAP	1144.00	MH	22,789	
SIGNAL SHOP LABOR - CAP	80.00	MH	1,652	
PAYROLL ASSOCIATED COSTS			15,455	
EQUIPMENT EXPENSES			4,931	
DA LABOR OVERHEADS			14,691	
INSURANCE EXPENSES			3,846	
TOTAL LABOR COST			64,573	64,573

MATERIAL				

AX, CABLE, 12C #14, UG	3500.00	FT N	5,495	
AX, MODULE	2.00	FT N	2,340	
AX, RELAY, W/ BASE	2.00	FT N	950	
BATTERY	1.00	LS N	7,680	
BUNGALOW MATERIAL	1.00	LS N	6,080	
BUNGALOW, 6 X 6	1.00	EA N	5,450	
CABLE	1.00	LS N	2,647	
CHARGERS	1.00	LS N	899	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
FIELD MATERIAL	1.00	LS N	4,530	
FOUNDATION	2.00	EA N	870	
GATE KEEPER	2.00	EA N	3,514	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,062	
GUARD RAIL, 1/2 OVAL	2.00	EA N	912	
HXP3R2 BI SYSTEM	1.00	EA N	18,620	
HXP3R2 UNI SYSTEM	1.00	EA N	14,705	
LAMP RESISTOR	1.00	EA N	735	
LED LIGHT ADJUSTMENT	8.00	EA N	2,120	
LED LIGHT GATE KIT	2.00	EA N	662	
LIGHT OUT DETECTOR	1.00	EA N	659	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
MISC. MATERIAL	1.00	EA N	1,500	
RECORDER	1.00	EA N	2,145	
RTU-6 CELLULAR MONITOR	1.00	EA N	2,121	
SHUNT, NBS	4.00	EA N	1,196	
SIMULATED TRACK	4.00	EA N	300	
TRACK FILTER, 156HZ	2.00	EA N	492	
MATERIAL HANDLING			37	
USE TAX			6,290	
OFFLINE TRANSPORTATION			1,226	

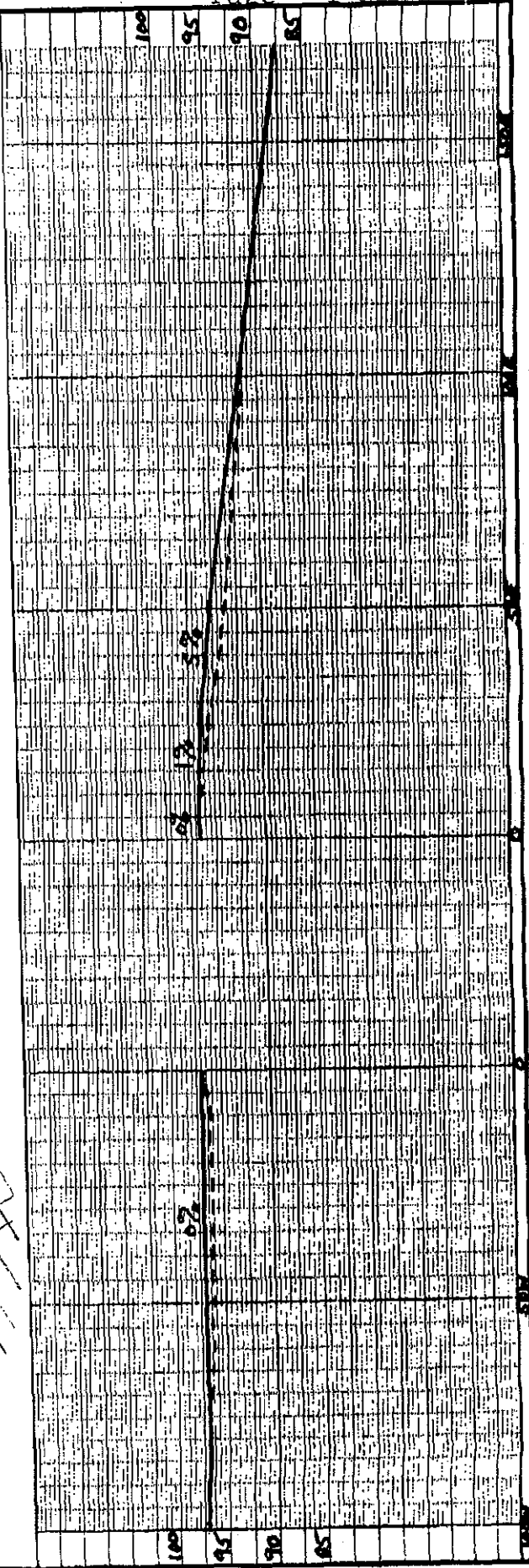
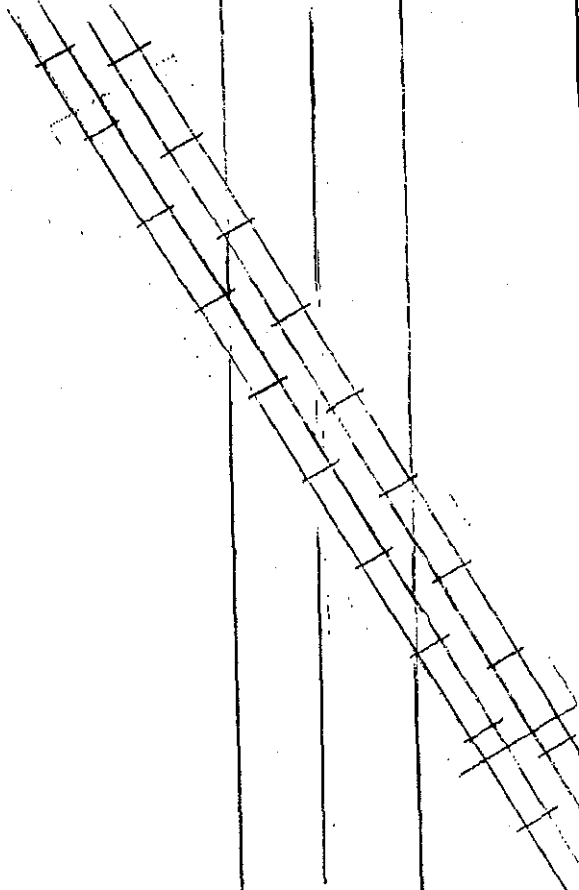
*****		TOTAL MATERIAL COST	105,971	105,971
*****		OTHER		

AC POWER SERVICE	1.00 EA		5,000	
CONTRACT ENGR.	1.00 EA N		6,500	
FILL DIRT	10.00 CY N		250	
MACHINE RENTAL	1.00 EA N		4,250	
SURFACE ROCK	10.00 CY N		250	
		TOTAL OTHER ITEMS COST	16,250	16,250
		PROJECT SUBTOTAL		186,794
		CONTINGENCIES		18,679
		BILL PREPARATION FEE		1,028
		GROSS PROJECT COST		206,501
		LESS COST PAID BY BNSF		0
		TOTAL BILLABLE COST		206,501
				=====

COUNTY	ROAD DISTRICT	SECTION	SHEET NO.
WARREN	Caldwell	TR 115 A	2

200th Ave @ BASF X-ing

TR 115 A 200th Ave



Warren County, Illinois
Coldbrook Twp.
200th Avenue
TR 115A at the
BNSF Railroad X-ing

ESTIMATE OF COSTS

To improve gravel approaches to meet the acceptable grade standards. Work to be completed by Coldbrook Township.

MATERIALS:

120 tons of CA-6 or CA-9 crushed stone @ \$6.00 per ton	\$720
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EQUIPMENT:

Tandem truck hauling 120 tons 20 miles @ 20¢ per ton per mile Hauling costs includes driver	\$480
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Motor Grader – approximately 16 hours of grading & shaping Roadway and rock @ \$50 per hour	\$800
--	-------

LABOR:

Motor Grader operator – approximately 16 hours @ \$25 per hour	\$400
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TOTAL ESTIMATED COST: \$2,400

Estimate made by: Gene Larkin
Warren County Highway Dept.
April 23, 2003

Exhibit (D)

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date June 3, 2003

Agreement # 1039

The Coldbrook Township Road District
(Board or Council of Township Road District)

meeting on May 13, 2003, Resolved to authorize RJS Twp Hwy Comm.
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and
that the Coldbrook Twp Rd Dist. is financially willing and able to
(Township Road District)

bear the cost for the proposed improvements as may be assigned to it according
to Section 6 of this Agreement.